

# Gypsies have travelled a long way for a fair deal from the law

A ruling by the European Court of Human Rights is another sign of hope for a persecuted people, write David Altheer and Luke Clements

GYPSES are not in the habit of looking into a crystal ball to divine their future: they profitably leave such foolish ideas to glibble house-holders. But if the travelling people were to take a global view, crystal-line or otherwise, they might think that they had turned a corner and that signs of improvement were evident.

Take the European Court of Human Rights case of *Connors v the UK*. The court ruled that Britain has not given enough protection to Gypsies on local authority caravan sites. As a result, domestic law will have to be changed to bring it into line with human-rights standards. The court said that the vulnerable position of this minority people meant that their different lifestyle needs warranted special consideration. Hence there was a positive obligation on Britain to facilitate the Gypsy way of life but, said the court, obstacles had been placed in the way of Gypsies pursuing an actively nomadic lifestyle. At the same time, those who were more settled were denied the procedural protection that was available to the "settled" population, or non-Gypsies.

Another European Court of Human Rights case will have implications for Gypsies throughout Europe. In *Nacheva v Bulgaria*, two army conscripts of Romany origin were killed by military police. The court action, brought by the conscripts' relatives, succeeded. Damages were ordered after the court found Bulgaria guilty of racial discrimination (contrary to Article 14) in the way it breached Article 2 (the right to life) of the European Convention on Human Rights.

It is, of course, a pity from the Gypsies' point of view that their

supporters had to take such cases all the way to Europe before they obtained satisfaction. Yet even on a small scale the authorities are starting to take discrimination against Gypsies seriously. Two men found themselves before Weymouth magistrates last month charged with repeatedly verbally abusing a Romany family whose camp at Blandford in Dorset they used to drive past. The men, who pleaded guilty and were ordered to pay £1,000 compensation and to do 240 hours of community service, are believed to be the first people in Britain to be convicted of a racially aggravated crime against Gypsies.

The worst crimes against the Gypsies were committed during the Second World War and here, too, there is progress on compensation. The Roma National Congress (RNC) is a Hamburg-based group with ambitions to be the leading organisation

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for Gypsies, has been backing a claim since 2001 against IBM in Geneva, where the European headquarters of the company was based. The claim alleges that IBM punch-card machines were vital in processing Holocaust victims, and that because the computer corporation was fully aware of this use, it should be held responsible for its alleged actions during the war. IBM vigorously denies responsibility for the way its machines were used by the Nazis, but the Swiss court has now ruled



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that it will hear the case. Henri-Philippe Sambuc, the RNC's legal adviser, wants eventually to mount a claim for damages of £6.5 billion.

In this country one of the greatest manifestations of Gypsy culture is the travellers' love of horses and the traditional fairs at which they gather to buy and sell horses. But local authorities have never been keen on such occasionally run-bustious events and have made powerful efforts to close many of them. The campaign by Tunbridge

Wells Borough Council in 2000 to ban the annual one-day Horsenden fair was so persistent that first the Home Secretary and then the High Court became involved. That a small gathering in a Kentish village should find such force ranged against it makes it all the more remarkable, therefore, that next month a Gypsy gathering will be revived. Brigg Fair in Lincolnshire will include a horse fair on the edge of the town on August 5. Who knows but that Cambridgeshire

might follow its neighbouring county by allowing the Gypsies to bring back the Midsummer's Fair?

Music is another Romany obsession and now a potential star has emerged. Jentina Rose, late of the caravans of the Cooper-Smith clan in Woking, Surrey, and the clubs of Miami, Florida. What the 19-year-old singer's debut single, *Bad Ass Strippa*, may lack in poetical fluency it makes up for with attitude. "I won't take no sh\*t from nobody," she raps.

Traveller campaigners are now showing Jentina-like defiance as they dabble in the black arts of political lobbying. A Traveller Law Reform Bill prepared by a coalition of organisations was introduced under the ten-minute rule by David Atkinson, Tory MP for Bournemouth East.

When reintroduced as an early day motion, it won the support of 115 MPs on both sides of the House. The Government has responded by indicating that it will require all planning authorities to provide for traveller caravan sites in their development plans, just as they have to zone for areas of new housing.

Yet no one with any idea of the difficulties that travelling people still face would say that their strug-

gle for legal rights is over. At the same time that the Government was consulting on these reforms, it announced that it would crack down on illegal camping by travellers — even on their own land — with new eviction powers, known as temporary stop notices.

Giving up travelling also has its difficulties. In a recent judgment the Court of Appeal ruled that Michael Berry ceased to be a "Gypsy" in terms of planning law when his travelling days came to an end because of a serious heart condition. In the eyes of the law, this ended any legal entitlement to special consideration of his traditional lifestyle, in his case a wish to live in a stationary caravan.

Let us hope that the pendulum is swinging towards more understanding of this tiny minority. There seems to be cross-party acceptance that something positive has to be done and, for a people long used to persecution, that is a welcome development.

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Changing fortunes on the Romany road: top, a horse fair in the Cotswolds and, right, a convoy in Kent last month